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RUEHBY/AMEMBASSY CANBERRA 1359  
RUEHWL/AMEMBASSY WELLINGTON 1871  
RUEHNE/AMEMBASSY NEW DELHI 1380  
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SUBJECT: MUNIR CASE -- NEW CHARGES FURTHER IMPLICATE  
INTELLIGENCE AGENCY IN KILLING

REF: A. JAKARTA 1223 B. JAKARTA 2122

Classified By: Joseph Legend Novak, reasons 1.4 (b)(d).

11. (C) SUMMARY -- Prosecutors have filed charges against two former employees of Garuda Airlines in the murder of prominent human rights activist Munir. The charges--which received widespread media play--further implicate the National Intelligence Agency (BIN) in the 2004 killing. Human rights activists--while praising the bringing of charges--strongly urge that prosecutors take the next major leap by calling BIN officials to testify in court about their suspected involvement in the slaying. END SUMMARY.

12. (C) NEW CHARGES -- There are new developments in the 2004 poisoning of well-known human rights activist Munir Said Thalib. On October 9, prosecutors filed murder charges against former Garuda Airlines director Indra Setiawan. Evidence implicating Indra in the conspiracy is based primarily on an official Garuda Airlines letter he gave to murder suspect Pollycarpus Budihari Priyanto, an off-duty pilot. The letter assigned Pollycarpus to be on the same flight as Munir, posing as a security officer (ref A). (Note: In a very controversial ruling, Pollycarpus was ultimately acquitted of poisoning Munir, but prosecutors have asked the Supreme Court to review the acquittal based on new evidence--ref b. That review is still pending.)

13. (C) According to the police dossier on the case which sources provided to Dep Pol/C, Indra told police that Deputy BIN Director As'ad Ali had faxed a written order on official stationery to Indra ordering him to assign Pollycarpus to be on the same Garuda flight with Munir from Medan to Singapore (ref B). (Note: Garuda is a state-owned airline.) Indra's secretary, Rohainil Aini, was also charged by prosecutors on

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October 9. Rohainil was implicated in helping Indra to give Pollycarpus access to the flight.

14. (C) ACTIVISTS WANT MORE -- Two prominent human rights attorneys who are following the case closely and who uncovered some of the evidence now being pursued by police, Rafendi Djamin and Usman Hamid, both confirmed the media report that Indra and Rohainil had been charged. They thought that that development was positive and a sign that the case continued to move forward.

15. (C) That said, they expressed frustration that BIN Deputy Director As'ad and other BIN agents who police have implicated in the murder have not yet been called as witnesses by prosecutors. (Note: Police have questioned several BIN agents in the case. Their statements implicating former high level BIN officials are included in the police dossier, per ref A.) Rafendi told Poloff that he hopes the police continue pursuing leads implicating BIN and that hopefully As'ad will be called by prosecutors as a witness, adding that calling As'ad to the stand "will have very big political implications."

16. (C) PRESSURE ON BIN -- By pursuing charges against other suspects, prosecutors are ensuring that the case will be kept alive even if their request to retry Pollycarpus is rejected by the Supreme Court. If the request is granted, these additional charges make the case stronger and put more pressure on BIN to reveal what it knows about the case. Senior BIN officials actually testifying in court would be unprecedented in the Indonesian judicial system and a major step forward towards accountability. Current and former BIN officials are widely suspected to be the planners of the shocking murder and these additional prosecutions take the case one step closer to proving the link.  
HEFFERN